

In re application of: KRAMER, M., et al.  
Appln. No.: 09/787,559  
Examiner: Angell, J.

## REMARKS

### **I. Introduction**

Claims 2, 8, 10, and 17 have been amended to more particularly point out and distinctly claim the Applicant's invention. Support for the amendments may be found throughout the specification. Applicant submits that the amendments place the remaining claims in condition for allowance and respectfully request their entry. No new matter has been added.

Applicant reserves the right to pursue cancelled subject matter in one or more continuation or divisional application. All claim amendments or cancellations are made herein for the sole purpose of expediting prosecution and are not to be construed as an acquiescence to any of the rejections/objections set forth in the Office Action.

### **II. Interview**

Applicant thanks the Examiner for the telephone interview which took place on July 30, 2007. Examiner Jon E. Angell, Ph.D., Blair Lanier Reg. No. 56,910, and Karen Chuang Reg. No. 59,907 were present. Proposed claim amendments were discussed. The Examiner indicated that the proposed amendment to claim 2, as submitted with this document, would obviate the 35 U.S.C. § 112 rejection. Amendments to claim 24 to overcome the 35 U.S.C. § 102(b) rejection were discussed, and a consensus was reached that claim 24 would be cancelled. Claim 24 as well as claim 31, which depended upon claim 24, are cancelled herein.

The Examiner indicated that he recognized a problem in claim 17 he had not included in the Office Action. Specifically, the Examiner indicated that "A reagent for the indirect detection of a protein" from claim 17, would only be enabling for the antisense strands of currently amended claim 2 elements (iii) and (iv), and not for claim 2 elements (i), (ii), (v) or (vi). The Examiner indicated that he would require claim 17 to only be directed to elements (iii) and (iv) of claim 2.

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Applicant has amended claim 17 in accordance with the Examiner's requirements. Support for this amendment may be found on page 5, paragraph 19 of the application as filed. Applicant believes no new search should be required, because the amendment more narrowly limits claim 17 beyond the requirements set forth as acceptable in the Office Action. The Examiner had not identified in the Office Action any prior art references related to the broader, previous claim 17, so therefore the Examiner would not identify any prior art references for the currently amended claim 17, which has been narrowed for enablement purposes.

## II. Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 2, 3, 10, 17, 29, and 30 have been rejected under 35 U.S.C. § 112, first paragraph. The Office Action indicates that the specification is not enabling for a genus of isolated nucleic acid molecules that encode proteins functionally identical to a protein that occurs naturally in hum keratinocytes. Rather, the Office Action indicates the specification is enabling only for isolated nucleic acids such as SEQ ID No: 1 and SEQ ID NO: 4, and that limiting the claims as such would obviate this rejection.

Applicant has amended claim 2 to be limited to:

An isolated nucleic acid ~~comprising~~ comprising a nucleotide sequence selected from the group consisting of:

- (i) SEQ ID NO: 1,
- (ii) SEQ ID NO: 4,
- (iii) the antisense strand of SEQ ID NO: 1,
- (iv) the antisense strand of SEQ ID NO:4,
- (v) ~~or~~ SEQ ID NO: 1 wherein one or more uridine (U) nucleic acids are substituted for thymidine (T) nucleic acid bases in ~~SEQ ID NO: 1 or SEQ ID NO: 4, and~~

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(vi) SEQ ID NO: 4 wherein one or more uridine nucleic acids are substituted for thymidine nucleic acid bases.

Applicant respectfully asserts that the rejection of claims 3, 10, 17, 29, and 30 is rendered moot in view of the amendment to claim 2. Support for this amendment may be found specifically in paragraph 6, page 2 of the specification as filed.

This amendment was discussed during the interview which took place on July 30, 2007, during which the Examiner indicated this amendment would obviate the rejection. Withdrawal is respectfully requested.

**III. Claim Rejections under 35 U.S.C. § 102(b) in view of Mierendorf et al. (US 5,629,179)**

Claims 24 and 31 have been rejected under 35 U.S.C. §102(b) as being anticipated by Mierendorf et al. (US 5,629,179). The rejected claims have been cancelled. Withdrawal is respectfully requested.

**V. Claim Objections**

Claims 8 and 9 are objected to as being dependent upon a rejected base claim. Applicant respectfully asserts that the rejected base claim has been put in condition for allowance, and respectfully requests withdrawal of the objections.

**VI. Conclusion**

Having fully responded to all matters raised in the Office Action, Applicant submits that all claims are in condition for allowance, an indication for which is respectfully solicited. The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment of fees associated with this application to Deposit Account No. 50-0951.

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If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's attorney at the telephone number shown below.

Respectfully submitted,

AKERMAN SENTERFITT



**Date: August 15, 2007**

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Docket No. 4007-001